

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MONTY C. PEPPER

:

:

v.

:

CRIM. ACTION. NO:
#05-084-JJF

:

THOMAS SEACORD

:

THOMAS CARROLL

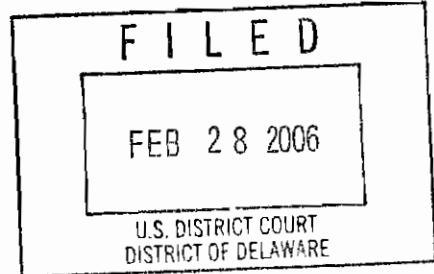
:

BAMBI THOMAS

:

JAMES GARDELS

:



PLEASE TAKE NOTICE, that the attached Plaintiff Response To and Memorandum
in Response To Defendants Motion To Dismiss is herewith presented to this
honorable court.

PLAINTIFF, in filling on or about FEBUARY 15, 2005 a complaint was
filed in federal district court for the d~~istrict~~ of Delaware against
THOMAS CARROLL, BAMBI THOMAS, JAMES GARDELS, and THOMAS SEACORD case
(D.I.2). (D.I 25)

PLAINTIFF, in answering reply To the above presents
this to the honorable court. (D.I 40)

DATED: February 23 2006


MONTY C. PEPPER
SBI #156920
1181 PADDOCK ROAD
SMYRNA, DELAWARE 19977

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

MONTY C PEPPER
plaintiff

v

THOMAS CARROLL

BAMBI THOMAS

THOMAS SEACORD

JAMES GARDELS

C.A.NO. 05-084-JJF

PLAINTIFFS RESPONSE TO AND MEMORANDUM IN RESPONSE TO
DEFENDANTS MOTION TO DISMISS/SUMMARY JUDGEMENT

Plaintiff Request The Honorable Court denie
The Defendants motions To Dismiss/ summary judgement
where The facts within The following memorandum
will show That Plaintiff was in fact denied access
To counsel and suffered mental as well as physical
damage at The hands of The Defendants and as
The added amendment shows That Deliberate Indifference
standard has been crossed by The continued absence
of remedy To Plaintiffs Health and Mental needs

As in Hicks v Frey 992 F2d 1450. 6ct 1993) states Extreme
conduct by custodians That cause sever emotional distress is
sufficient and in Scher v Engelke 943 F3d 921 8th cir 1981 evidence
of fear mental anguish and misery can establish The requisiT
injury for Eighth Amendment Claim 112 s.ct. 1516 (1992)

as well as Helling v McKenny unsafe conditions That pose
an unreasonable risk of serious damage To a prisoners future
health may violate The 8 amendment even if The damage has not
yet occurred and may not affect every prisoner exposed To

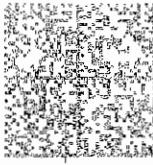
The Conditions deliberate Indifference a standard of recklessness which permits defendants to be held liable based on what they "should" have known or what was obvious if prison officials know that conditions are objectively cruel and fail to remedy them. They are deliberate Indifference. The Defendants were aware

I request the Court to deny Defendants Motion and or stay so Plaintiff can gather and catalogue the 100+ documents grievance copy's sick call copy's as well as responses to Affidavits and ProThomatory. Defendant is still limited to time in Law Library



Monty Pepper
Feb 23 2006

VM IN RE: PAPER
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